Part 73—Special Use Airspace

This change adds Special Federal Aviation Regulation (SFAR) 53 and its three preambles on Establishment of Warning Areas in the Airspace Overlying the Waters Between 3 and 12 Nautical Miles From the United States.

Bold brackets appear around revised material in SFAR 53.

Page Control Chart

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Suggest filing this transmittal at the beginning of the FAR. It will provide a method for determining that all changes have been received as listed in the current edition of AC 00–44, Status of Federal Aviation Regulations, and a check for determining if the FAR contains the proper pages.

Subpart A—General

Subpart B—Restricted Areas

Subpart C—Prohibited Areas

SUMMARY: This action establishes warning areas in airspace subject to FAA jurisdiction, in order to reflect recent presidential action extending the territorial sea of the United States, for international purposes, from 3 to 12 nautical miles from the U.S. coast. The warning areas are established in the same location as non-regulatory warning areas previously designated over international waters. The Department of Defense (DOD) will conduct hazardous military flight activities in these areas. The areas are established for a period of 1 year, to permit the FAA to consider the need for rulemaking action to meet military training needs in this airspace.

FOR FURTHER INFORMATION CONTACT: David L. Bennett, Office of the Chief Counsel, ACC–230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC. 20591; telephone: (202) 267–3491.

SUPPLEMENTARY INFORMATION:

Availability of Document

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue SW., Washington, DC 20591 or by calling (202) 267–3484. Communications must identify the number of this SFAR. Persons interested in being placed on a mailing list for future rules should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

Background

A Presidential Proclamation, signed on December 27, 1988, extends the sovereignty of the United States government, for international purposes, from 3 to 12 nautical miles from the U.S. coast. By final rule issued this date, the FAA has amended parts 71 and 91 of the Federal Aviation Regnlations to extend controlled airspace and the applicability of general flight rules to the airspace overlying the waters between 3 and 12 nautical miles from the U.S. coast.

When this airspace was considered to be over international waters, military aircraft were not prohibited from conducting hazardous training activities within this area. Warning areas were designated in this airspace to provide notice to nonparticipating pilots of the location of hazardous military training operations. However, nonparticipating pilots were not restricted from operating in these areas.

Upon the extension of part 91 operating rules to this airspace, DOD would be prohibited from hazardous flight activities without an exemption from the regulations or the designation of an airspace category for that purpose. Warning areas established in international airspace, under FAA internal procedures, do not in themselves authorize hazardous activities. An exemption would permit the continuation of military operations, but would not in itself adequately inform the general flying public of the existence of these activities. An interruption of military operations normally conducted in warning areas would have an adverse impact on national defense. Accordingly, the FAA is establishing regulatory warning areas, by special rule, to permit the continuation of current military training activities in the same areas where those activities are now being conducted. During the 1-year term of this SFAR, the FAA will consider the need for rulemaking action to meet military training needs in this airspace.

Prior to the expiration of this SFAR, the FAA will consider initiating further rulemaking proceedings as necessary. Before taking further action, the FAA will coordinate with the Department of Defense. The public will be given the opportunity to comment on any proposed rules affecting the airspace overlying the waters between 3 and 12 nautical miles from the United States coast.

Effective Date of Final Rule

Extension of the U.S. territorial sea for international purposes necessitates an immediate amendment to part 73 of the Federal Aviation Regulations. If this action were not taken coincident with the effectiveness of the extension, essential military training operations would be adversely affected. For these reasons, I find that the notice and public procedure under 5 U.S.C. § 553(b) are impracticable and contrary to the public interest. For the same reasons, I find that good cause exists for making this rule effective in less than 30 days to coincide with the effectiveness of the Proclamation.

Regulatory Evaluation

This SFAR does not alter the provision of air traffic control (ATC) services, nor does it have an impact on ATC system users. This special rule merely allows military training activity to continue without interruption, while maintaining the right of nonparticipating pilots to fly through such areas. Accordingly, because the costs of the rule adopted are so minimal, a regulatory evaluation has not been prepared.

For the reasons set forth above, the FAA has determined that this action is not a ''major rule'' under Executive Order 12291; and is not considered a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because of the minimal impact on all operators, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Federalism Determination

The amendment set forth herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

The Special Federal Aviation Regulation

For the reasons set forth above, the Federal Aviation Adminsitration is amending 14 CFR part 73 effective December 27, 1988.

The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised, Pub. L. No. 97–449, January 12, 1983); 14 CFR 11.69.

SUMMARY: This action continues for an additional 12 months the effectiveness of warning areas established in airspace subject to FAA jurisdiction in order to reflect presidential action extending the territorial sea of the United States, for international purposes, from 3 to 12 nautical miles from the U. S. coast. The warning areas were established in the same location as non-regulatory warning areas previously designated over international waters. The Department of Defense (DOD) conducts hazardous military flight activities in these areas. The areas had been established for a period of 1 year to permit the FAA to consider the need for rulemaking action to meet military training needs in this airspace. This action continues the effectiveness of these areas while airspace analyses and rulemaking efforts are ongoing.

FOR FURTHER INFORMATION CONTACT: David L. Bennett, Office of the Chief Counsel, AGC–230, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC, 20591; telephone: (202) 267–3491.

SUPPLEMENTARY INFORMATION:

Availability of Document

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the number of this SFAR. Persons interested in being placed on a mailing list for future rules should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

Background

Presidential Proclamation No. 5928, signed on December 27, 1988, extended the sovereignty of the United States government, for international purposes, from 3 to 12 nautical miles from the U.S. coast. By final rule issued on that same date, the FAA amended parts 71 and 91 of the Federal Aviation Regulations to extend controlled airspace and the applicability of general flight rules to the airspace overlying the waters between 3 and 12 nautical miles from the U.S. coast (54 FR 264; January 4, 1989).

When the airspace was considered to be over international waters, military aircraft were not prohibited from conducting hazardous training activities within this area. Warning areas were designated in this airspace to provide notice to nonparticipating pilots of the location of hazardous military training operations. However, nonparticipating pilots were not restricted from operating in these areas.

Upon the extension of part 91 operating rules to this airspace, DOD would have been prohibited from hazardous flight activities without an exemption from the regulations or the designation of an airspace category for that purpose. Warning areas established in international airspace, under FAA internal procedures, do not in themselves authorize hazardous activities. An exemption would permit the continuation of military operations, but would not in itself adequately inform the general flying public of the existence of these activities. An interruption of military operations normally conducted in warning areas would have an adverse impact on national defense. Accordingly, the FAA established regulatory warning areas to permit the continuation of existing military training activities in the same areas where those activities were and are still being conducted (SFAR–53, 54 FR 260, January 4, 1989).

The Office of the Secretary of Defense has advised the FAA that its assessment of the impact upon military training operations of the expansion of territorial airspace and the applicable flight rules is ongoing. The DOD requested, on the basis of its preliminary findings, a one-year delay in the expiration of SFAR–53. The DOD stated that this delay will enable the DOD, in consultation with the FAA, to determine the best course of implementation of regulatory special use airspace.

The FAA agrees that the additional year is necessary to develop any additional rulemaking actions necessary to redesignate portions of the affected airspace.

Regulatory Evaluation

This SFAR does not alter the provision of air traffic control (ATC) services, nor does it have an impact on ATC system users. This special rule merely allows military training activity to continue without interruption, while permitting nonparticipating pilots to fly through such areas. Accordingly, because the costs of the rule adopted are so minimal, a regulatory evaluation has not been prepared.

Federalism Implications

The amendment set forth herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this amendment does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons set forth above, the FAA has determined that this action is not a ''major rule'' under Executive Order 12291. In addition, the FAA certifies that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Act. This regulation is not considered a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

The Amendment

For the reasons set forth above, the Federal Aviation Administration is amending 14 CFR part 73, effective December 27, 1989.

The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510,1522; Executive Order 10854; 48 U.S.C. 106(g) (Revised Pub. L. No. 97–449, January 12, 1983); 14 C.F.R. 1169.

SUMMARY: This action continues for an additional 36 months the effectiveness of warning areas established in airspace subject to FAA jurisdiction in order to reflect presidential action extending the territorial sea of the United States, for international purposes, from 3 to 12 nautical miles from the coast of the United States. The warning areas were established in the same location as nonregulatory warning areas previously designated over international waters. The Department of Defense (DOD) conducts hazardous military flight activities in these areas. The areas had been established for a period of 2 years to permit the FAA to consider the need for rulemaking action to meet military training needs in this airspace. This action continues the effectiveness of these areas while airspace analyses and rulemaking efforts are ongoing.

EFFECTIVE DATE: December 27, 1990.

EXPIRATION DATE: December 27, 1993.

FOR FURTHER INFORMATION CONTACT: William C. Davis, Air Traffic Rules and Regulations, ATP–230, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC, 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Availability of Document

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the number of this SFAR. Persons interested in being placed on a mailing list for future rules should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

Background

Presidential Proclamation No. 5928, signed on December 27, 1988, extended the sovereignty of the United States government, for international purposes, from 3 to 12 nautical miles from the coast of the United States (including its territories). By final rule issued on that same date, the FAA amended parts 71 and 91 of the Federal Aviation Regulations to extend controlled airspace and the applicability of general flight rules to the airspace overlying the waters between 3 and 12 nautical miles from the coast of the United States (54 FR 264; January 4, 1989).

When the airspace was considered to be over international waters, military aircraft were not prohibited from conducting hazardous training activities within this area. Warning areas were designated in this airspace to provide notice to nonparticipating pilots of the location of hazardous military training operations. However, nonparticipating pilots were not restricted from operating in these areas.

Upon the extension of part 91 operating rules to this airspace, the Department of Defense (DOD) would have been prohibited from hazardous flight activities without an exemption from the regulations or the designation of an airspace category for that purpose. Warning areas established in international airspace, under FAA internal procedures, do not in themselves authorize hazardous activities. An exemption would permit the continuation of military operations, but would not in itself adequately inform the general flying public of the existence of these

as such flights will continue to be routed around active warning areas.

Warning area designations and descriptions are not contained in the Code of Federal Regulations (CFR). For *Federal Register* citations affecting the warning areas, see the List of CFR Sections Affected in the Finding Aids section of 14 CFR part 73.

The Office of the Secretary of Defense has advised the FAA that it is continuing to assess the impact upon military training operations of the expansion of territorial airspace and the applicable flight rules and will be preparing a consolidated assessment of the overall impact on military operations. The DOD has completed a survey of individual command training and operational requirements for the airspace between 3 and 12 nautical miles off the coast of the United States. The DOD is considering these impacts to determine those areas which should be converted to another form of regulatory or nonregulatory special use airspace. Preliminary results indicate that, in a number of areas, there will be a continuing need for special use airspace to provide connectivity for hazardous operations such as DOD and NASA missile launches, and to encompass existing range resources located between 3 and 12 nautical miles offshore.

Due to the magnitude of operational difficulties associated with this issue, development of a proposed airspace configuration for the affected airspace is incomplete. Additional time beyond the current expiration date of SFAR 53–1 (December 27, 1990) is needed to complete these actions.

The FAA agrees that a further extension of the SFAR is warranted to allow completion of the airspace realignment/redesignation proposal and to conduct any additional rulemaking action which may be necessary to redesignate portions of the affected airspace.

This action is intended solely to prevent interruption of ongoing military training activity and to warn nonparticipating aircraft of possible hazardous activities while permitting the aircraft to fly through such areas while final airspace design, coordination and processing actions are completed.

Regulatory Evaluation

This SFAR does not alter the provision of air traffic control (ATC) services, nor does it have an impact on ATC system users. This special rule merely allows military training activity to continue without interruption, while permitting nonparticipating pilots to fly through such areas. Accordingly, because the costs of the rule adopted are so minimal, further regulatory evaluation has not been prepared.

Federalism Implications

The amendment set forth herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this amendment does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons set forth above, the FAA has determined that this action is not a ''major rule'' under Executive Order 12291. In addition, the FAA certifies that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small

106(g,) (Revised Pub. L. No. 97–449, January 12, 1983); 14 CFR 11.69; Proc. 5928.

Special Federal Aviation Regulation 53–3

Establishment of Warning Areas in the Airspace Overlying the Waters Between 3 and 12 Nautical Miles From the United States Coast

Adopted: December 22, 1993 **Effective: December 27, 1993**

(58 FR 69128, December 29, 1993)

SUMMARY: This action continues for an additional 24 months the effectiveness of warning areas established in airspace subject to FAA jurisdiction in order to reflect presidential action extending the territorial sea of the United States, for international purposes, from 3 to 12 nautical miles from the coast of the United States. The warning areas were established in the same location as nonregulatory warning areas previously designated over international waters. The Department of Defense (DOD) conducts hazardous military flight activities in these areas. The warning areas were established for an initial period of 1 year to permit the FAA to consider the need for rulemaking action to meet military training needs in this airspace. The establishment of those areas was extended by subsequent rulemakings to allow the DOD sufficient time to analyze its needs in the affected airspace and present its recommendations to the FAA. At this time, the DOD has not finalized its airspace analysis and usage projections. This action, therefore, continues the effectiveness of warning areas while airspace analyses and rulemaking efforts are ongoing.

DATES: Effective date: December 27, 1993. Expiration date: January 15, 1996. Comment date: Comments must be received on or before February 28, 1994.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 25767, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 25767. Comments may be examined in Room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Melodie De Marr, Air Traffic Rules and Regulations, ATP–230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the rulemaking process by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this amendment are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or amendment number and should be submitted

to the commenter.

Availability of Document

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the number of this SFAR. Persons interested in being placed in a mailing list for future rules should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

Background

Presidential Proclamation No. 5928, signed on December 27, 1988, extended the sovereignty of the United States government, for international purposes, over the territorial seas from 3 to 12 nautical miles from the coast of the United States (including its territories). By final rule issued on that same date, the FAA amended parts 71 and 91 of the Federal Aviation Regulations to extend controlled airspace and the applicability of general flight rules to the airspace overlying the waters between 3 and 12 nautical miles from the coast of the United States (54 FR 264; January 4 1989). The FAA amended part 71 by extending the Continental Control Area, the Alaskan Positive Control Area, and the Continental Positive Control Area to 12 nautical miles from the U.S. Coast. The FAA amended part 91 by extending the applicability of subpart A, sections 91.1 through 91.43, and all of subpart B, to 12 nautical miles from the U.S. coast.

When the airspace was considered to be over international waters, military aircraft were not prohibited from conducting hazardous training activities within this area. Warning areas were designated in this airspace to provide notice to nonparticipating pilots of the location of hazardous military training operations. However, nonparticipating pilots were not restricted from operating in these areas.

Upon the extension of part 91 operating rules to this airspace, the DOD would have been prohibited from hazardous flight activities without an exemption from the regulations or the designation of an airspace category for that purpose. Warning areas established in international airspace, under FAA internal procedures, do not in themselves authorize hazardous activities. An interruption of military operations normally conducted in warning areas would have an adverse impact on national defense. An exemption would permit the continuation of military operations, but would not in itself adequately inform the general flying public of the existence of these activities. Accordingly, by regulation the FAA established warning areas to permit the continuation of existing military training activities in the same areas where those activities were and are still being conducted.

To preclude the interruption of ongoing DOD training activities in that airspace while the issue was studied and resolved, the FAA amended part 73 by promulgating SFAR 53. SFAR 53 established warning areas in the airspace overlying the waters between 3 and 12 nautical miles from the U.S. coast by final rule (54 FR 260; January 4, 1989) for an initial period of 1 year to permit the FAA to consider the need for rulemaking action to meet military training needs in this airspace. The warning areas established by SFAR 53 are unique airspace designations intended solely to allow the continuation of military training activity and to maintain the right of nonparticipating aircraft to fly through such areas. Controlled flights are not affected by SFAR 53, as such flights will continue to be routed around active warning

special use airspace (54 FR 51286; December 13, 1989).

On May 8, 1990, the DOD submitted a letter to the FAA requesting a legal opinion from the Office of the Chief Counsel regarding the feasibility of creating a new category of airspace to maintain the status quo. The DOD suggested the creation of ''domestic warning areas.'' The DOD claimed that it would incur excessive costs if special use airspace is extended to 12 nautical miles from the U.S. coast in the form of increased fuel costs for transient flight time and costs affiliated with environmental analysis, etc.

On December 27, 1990, the FAA extended the expiration date of SFAR 53 for an additional 3 years to December 27, 1993. The DOD stated it was continuing to assess the impact of the expansion of the territorial airspace on military operations. The DOD had completed a survey of individual command training and operational requirements for this airspace to determine the areas that should be converted to another form of regulatory or nonregulatory special use airspace. However, development of a proposed airspace configuration was incomplete. Preliminary results indicate that, in a number of areas, there will be a continuing need for special use airspace to provide connectivity for hazardous operations, such as DOD and National Aeronautics and Space Administration (NASA) missile launches, and to encompass existing range resources located between 3 and 12 nautical miles offshore.

A number of events have precluded the DOD from completing its study of operational needs in the airspace over the coastal waters. The magnitude of the task of assessing the training needs of the military in the airspace between 3 and 12 nautical miles from the U.S. coast is in itself a formidable task. However, in the past year a significant number of military bases have been targeted for closure further impacting the projected utilization of warning areas as military aviation units are relocated or eliminated. The FAA acknowledges that the long-range effects of the base closures on military training needs and airspace requirements are difficult to assess. The DOD is in the process of identifying warning area segments that are critical to those training needs, as well as those segments that are no longer needed.

Based on representation from the DOD, the FAA expects to see the DOD recommendations for the disposition of the airspace within 3 to 12 miles off the US coast within 6 to 9 months after the date of this extension. This action continues the effectiveness of SFAR 53 for an additional 24 months to: (1) prevent any interruption of ongoing military training activity; (2) warn nonparticipating aircraft of possible hazardous activities while permitting the aircraft to fly through such areas; (3) permit the DOD additional time to finalize its airspace analysis and usage projections including any environmental assessments that may be necessary; and, (4) allow the FAA sufficient time to effect rulemaking or other action necessary to implement revision to the current warning areas after receipt of the DOD recommendations.

International Civil Aviation Organization and Joint Aviation Regulations

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization Standards and Recommended Practices (SARP) to the maximum extent practicable. The FAA has determined that this rule will not present any differences with the SARP.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), there are no requirements for information collection associated with this rule.

Regulatory Flexibility Act Determination

The Regulatory Flexibility Act of 1980 (RFA) ensures that government regulations do not needlessly and disproportionately burden small businesses. The RFA requires the FAA to review each rule that may have "a significant economic impact on a substantial number of small entities."

The amendment will not alter the provision of air traffic control (ATC) services, nor will it have an impact on ATC system users. Hence, the amendment will not impose a significant cost on a substantial number of small entities.

Federalism Implications

The amendment set forth herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, the FAA has determined that this rule is not a significant regulatory action under Executive Order 12866. In addition, the FAA certifies that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This regulation is not considered significant under DOT Order 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations.

Effective Date of Final Rule

Since this action does not involve a change in the actual dimensions, configuration, or operating requirements of airspace, notice and public procedure under 5 U.S.C. 553(d) are unnecessary. Furthermore, I find that good cause exists, pursuant to 5 U.S.C. 553(d), for making this amendment effective in less than 30 days to avoid confusion on the part of pilots operating in the warning areas.

The Amendment

For the reasons set forth above, the FAA is amending 14 CFR part 73 effective December 27, 1993.

The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

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2. Definition-Warning area. A warning area established under this special rule is airspace of defined dimensions, extending from 3 to 12 nautical miles from the coast of the United States, that contains activity which may be hazardous to nonparticipating aircraft. The purpose of such warning areas is to warn nonparticipating pilots of the potential danger. Part 91 is applicable within the airspace designated under this special rule.

Non-regulatory warning area. A non-regulatory warning area is airspace of defined dimensions designated over international waters that contains activity which may be hazardous to nonparticipating aircraft. The purpose of such warning areas is to warn nonparticipating pilots of the potential danger.

3. Participating aircraft. Each person conducting an aircraft operation within a warning area designated under this special rule and operating with the approval of the using agency may deviate from the rules of part 91, subpart B, to the extent that the rules are not compatible with approved operations.

4. Nonparticipating aircraft. Nonparticipating pilots, while not excluded from the warning areas established by this SFAR, are on notice that military activity, which may be hazardous to nonparticipating aircraft, is conducted in these areas.

(Docket No. 25767, 54 FR 261, 1/4/89, as amended by SFAR 53–1, 54 FR 51287, 12/13/89; SFAR 53-2, 55 FR 53267, 12/27/90; [SFAR 53–3, 58 FR 69128, 12/29/93])